



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

HM11/1001

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/911,423	08/14/97	036	TUNG, M	1644 10/01/97
First Named Applicant	GORMAN, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION MAMMALIAN CELL SURFACE ANTIGENS; RELATED REAGENTS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 DX0612K1	536-023.500	064	UTILITY	NO	\$1210.00	01/03/00

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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APPLICATION NO. 1027117432	FILING DATE 08/14/97	FIRST NAMED INVENTOR GERMAN	ATTORNEY DOCKET NO. DX0512K1
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EXAMINER TONG, M

ART UNIT 1644	PAPER NUMBER
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DATE MAILED: 10/01/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Allowability

Application No.
08/911,423

Applicant(s)
Gorman, et al.

Examiner
Mary Tung

Group Art Unit
1644



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to the communications of 6/29/99 and 9/3/99.

☒ The allowed claim(s) is/are 9, 11, 12, 17-20, 23-26, 28-37, 40-46, and 49-56

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

DETAILED ACTION

1. Claims 1-22 were originally presented.
2. Claims 23-43 were added in the amendment filed 3/18/99 (Paper No. 11).
3. Claims 10, 27 and 38 were cancelled in the amendment filed 6/29/99 (Paper No. 14).
4. Claims 44-50 were added in Paper No. 14.
5. Claims 47 and 48 were cancelled in the amendment filed 9/3/99, Paper No. 16.
6. Claims 51-56 were added in Paper No. 16.
7. Non-elected claims 1-8, 13-16, 21 and 22 were cancelled in the Examiner's amendment attached hereto, Paper No. 19.
8. Claim 39 was cancelled without prejudice in paper No. 19.
9. Claims 9, 11, 12, 17-20, 23-26, 28-37, 40-46, and 49-56 are pending.

EXAMINER'S AMENDMENT

10. An extension of time under 37 C.F.R. 1.136(a) is required in order to make an Examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on September 29, 1999, Mr. Gerald P. Keleher requested an extension of time for 1 MONTH(S) and authorized the Commissioner to charge Deposit Account No. 04-1239 the required fee of \$110.00 for this extension and authorized the following Examiner's amendment. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

11. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

12. Authorization for this Examiner's amendment was given in a telephone interview with Mr. Gerald P. Keleher on September 10, 1999.

13. The application has been amended as follows:

In the Claims:

14. Non-elected claims 1-8, 13-16, 21 and 22, have been cancelled without prejudice.
15. Claim 39 has been cancelled without prejudice.

16. In claim 9b)ii), --12 contiguous amino acids of-- has been inserted prior to "SEQ ID NO:".
17. In claim 31, --a-- has been inserted after "comprising".
18. In claim 31, "from" has been deleted and --of-- has been inserted thereto.
19. In claim 46, in line 1, "is" has been deleted.
20. In claim 50, in line 3, --a-- has been inserted prior to "polynucleotide".
21. In claim 53, --wherein the isolated polynucleotide is--, has been insert after "claim 9".
22. In claim 55, --contiguous-- has been inserted prior to "amino acid residues".

Note: A copy of the "Index of Claims" from the front file jacket of the application is attached to inform Applicants of the changes to the order of the claims.

REASONS FOR ALLOWANCE

23. The following is an Examiner's statement of reasons for allowance:
24. Matoba, et al, (*Gene 146(2):199-207, 1994*) teach an isolated polynucleotide sequence 98 bp in length with a sequence identity of 79.6% over its entire length with SEQ ID NO: 3 and (*WO 96/15272*) teaches an isolated purified polynucleotide sequence 52 bp in length with a sequence identity of 96.3% (SEQ ID NO: 73) over its entire length with SEQ ID NO: 3 of the instant application. However, both sequences are not located in the coding region of SEQ ID NO: 3, and thus do not teach the claimed invention. Additionally, Kwon (*WO 9507984*) teaches cDNA (isolated and recombinant polynucleotide) which encodes 269 amino acid which is expressed in T lymphocytes and encodes an 8 amino acid antigenic epitope of SEQ ID NO: 2, however, does not teach the claimed invention of an antigenic epitope of SEQ ID NO: 2 of 12 or more contiguous amino acids.
25. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

26. Papers related to this application may be submitted to Group 1640 by facsimile transmission. Papers should be faxed to Group 1640 via the PTO Fax Center located

in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). THE CM1 FAX CENTER TELEPHONE NUMBER IS (703) 305-3014 or (703) 308-4242.

26. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mary Tung whose telephone number is (703)308-9344. The Examiner can normally be reached Monday through Friday from 8:30 am to 5:30 pm. A message may be left on the Examiner's voice mail service. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1640 receptionist whose telephone number is (703) 308-0196.

Mary B Tung
October 1, 1999
Mary B. Tung, Ph.D.
Patent Examiner
Group 1640

David A. Saunders
DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT 182/644